

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD

ADVANCED SERVICES, INC.

and

Case 15-CA-130830

LA QUASHA D. LEE

ORDER¹

The Employer's petition to revoke or modify subpoena duces tecum B-1-IQKP2P is denied. The subpoena seeks information relevant to the matter under investigation and describes with sufficient particularity the evidence sought, as required by Section 11(1) of the Act and Section 102.31(b) of the Board's Rules and Regulations. Further, the Employer has failed to establish any other legal basis for revoking the subpoena.² See generally *NLRB v. North Bay Plumbing, Inc.*, 102 F.3d 1005 (9th Cir. 1996); *NLRB v. Carolina Food Processors, Inc.*, 81 F.3d 507 (4th Cir. 1996).

Dated, Washington, D.C., November 19, 2014

MARK GASTON PEARCE, CHAIRMAN

HARRY I. JOHNSON, III, MEMBER

NANCY SCHIFFER, MEMBER

¹ The National Labor Relations Board has delegated its authority in this proceeding to a three-member panel.

² In considering the petition to revoke, we have evaluated the subpoena as clarified by the Region in its opposition brief, in which the Region indicated that the Employer has produced documents responsive to subpoena paragraph 1. To the extent that the Employer has provided additional requested material it is not required to produce that information again, provided that the Employer accurately describes which documents under subpoena it has already provided and provides all of the information that was subpoenaed.

In addition, in rejecting the Employer's argument that the Region provided it insufficient time to respond to the subpoena, we observe that the Employer was able to timely file its petition to revoke and has, as a practical matter, received a significant extension of time in which to produce the requested documents.

Member Johnson would grant the petition in part to require modification of the "subject matter" request to clarify that the substance of the privileged information need not be provided. See generally, Fed. R.Civ. P. 26(b)(5)(A). He notes that the Region appears not to object, asking only that the Employer "describe the nature of the material in such a way as to maintain the privilege." R. Opp. Br. at 3. He otherwise denies the Employer's petition.